

Application No. 10/662,577
Amendment dated 12/20/2005 responding to Office Action dated 09/20/2005

REMARKS

These remarks address the Examiner's comments made in the Office Action mailed 09/20/2005.

Initially, applicant respectfully submits that Hall and Emery are inapposite art. One seeking a solution to the flyaway picnic plate problem would not consult the ashtray art for guidance.

(1) Objection to Drawings

The required correction has been made in the enclosed Replacement Sheets.

(2) 102(b) Rejection of Claims 1-2, 6-8, and 10-12 over Nelson

Claims 1 and 8 have been amended to recite the pinch grip structure shown in FIG. 8, which is not shown in any of the references. Nelson shows no pinch grips nor even any irregularities in his outer perimeter rim/lip structure. Randall shows an "indentation 14 which is constructed to provide a hand grip" (col. 2 lines 34-35), but the indentation is only an inward indentation in the outer lip ("flange 12" in Randall's nomenclature), and does not have a counterpart outward indentation that would form the "pinch". Indeed, the drink / ice cream cone holders 22 are entirely in the way, making such a pinch grip impossible. Emery and Hall are inapposite art, but even they do not show a pinch grip. Emery shows downward indentations 9,10 which are for holding cigarettes and not for gripping or lifting the ashtray; they are, geometrically, essentially the converse of a pinch grip. Hall shows laterally extending cigarette holders 4 formed by cutting the outer lip material and folding it upward; this might be the inverse of a pinch grip, and, again is for holding cigarettes and not for lifting the ashtray.

Claims 2 and 6 depend from amended claim 1, and claims 10-12 depend from amended claim 8, and distinguish over Nelson by incorporating the pinch grip of their parent claims.

(3) 103(a) Rejection of Claims 5 and 9 over Randall

Claims 5 and 9 incorporate the pinch grip of their parent claims, and thus distinguish over Randall.

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(4) 102(b) Rejection of Claims 1-2, 4-5, 8-9, and 12-14 over Randall

Claims 1 and 8 have been amended to incorporate the pinch grip, demonstrated above to not be taught by Randall. The other claims incorporate this limitation by depending from claim 1 or 8.

(5) 102(b) Rejection of Claims 1-2, 4-5, 8-9, and 12-14 over Emery or Hall

Emery and Hall teach ashtrays, not plates. Claims 1 and 8 have been amended to incorporate the pinch grip, demonstrated above to not be taught by Emery or Hall. The other claims incorporate this limitation by depending from claim 1 or 8.

(6) 103(a) Rejection of Claims 6-7 and 10-11 over Emery or Hall

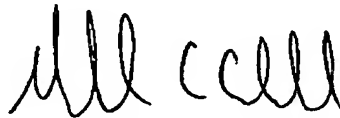
Emery and Hall teach ashtrays, not plates, regardless of their material. Claims 1 and 8 have been amended to incorporate the pinch grip, demonstrated above to not be taught by Emery or Hall. The other claims incorporate this limitation by depending from claim 1 or 8.

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CONCLUSION

Applicant respectfully requests allowance of the claims. The art cited neither anticipates nor obviates the claimed subject matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Calderwood'.

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Date:

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